

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

Benjamin Petras,

Plaintiff

v.

William Gittere, *et al.*,

Defendants

Case No. 2:23-cv-00592-GMN-BNW

ORDER

Pro se Plaintiff Benjamin Petras, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), has submitted a civil-rights complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. ECF Nos. 1-1, 1. The application to proceed *in forma pauperis* is incomplete because Plaintiff did not include a financial certificate or six-month inmate trust fund account statement for the previous six-month period with the application. *See* ECF No. 1.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. *See* 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. R. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. *See* 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in installments. *See* 28 U.S.C. § 1915(b).


1 Accordingly, for the reasons stated above,

2 **IT IS THEREFORE ORDERED** that Plaintiff has **until June 20, 2023** to either pay the
3 full \$402 filing fee or complete his application to proceed *in forma pauperis* by filing a completed
4 financial certificate that is signed both by the inmate and the prison or jail official and a copy of
5 the inmate's trust fund account statement for the previous six-month period. Even if Plaintiff has
6 not been at an NDOC facility for a full six-month period, he must still submit a financial certificate
7 and an inmate account statement for the dates he has been in NDOC custody.

8 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if he
9 fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to refile the
10 case with the Court, under a new case number, when Plaintiff can either file a complete application
11 to proceed *in forma pauperis* or pay the required filing fee.

12 The Clerk of the Court is directed to send Plaintiff Benjamin Petras the approved form
13 application to proceed *in forma pauperis* for an inmate and instructions for the same, and to retain
14 the complaint and exhibits (ECF No. 1-1) but not file them at this time.

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16 DATED: April 20, 2023

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18 Brenda Weksler
19 United States Magistrate Judge
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